IN THE UNITED STATES DISTRICT COURT DISTRICT OF NORTH DAKOTA EASTERN DIVISION

)
STATE OF WEST VIRGINIA, et al.,)
Plaintiffs,)
and))
AMERICAN FARM BUREAU FEDERATION, et al.,)) Civil No. 3:23-cv-0032
Intervenor-Plaintiffs,) Hon. Daniel L. Hovland
v.))
U.S. ENVIRONMENTAL PROTECTION AGENCY, et al.,)))
Defendants.))
and))
CHICKALOON VILLAGE TRADITIONAL COUNSEL, et al.,))
Intervenor-Defendants,))
)

INTERVENOR-PLAINTIFFS' NOTICE OF WITHDRAWAL OF THEIR MOTION FOR PRELIMINARY INJUNCTION

Currently pending before the Court is Intervenor-Plaintiffs' motion for preliminary injunction, which seeks an order prohibiting Defendants from enforcing, implementing, applying,

¹ Intervenor-Plaintiffs are collectively the American Farm Bureau Federation; American Petroleum Institute; American Road and Transportation Builders Association; Associated General Contractors of America; Cass County Farm Bureau; Leading Builders of America; National Apartment Association; the National Association of Home Builders of the United States; National Association of REALTORS®; National Cattlemen's Beef Association; National Corn Growers Association; National Mining Association; National Multifamily Housing Council; National Pork Producers Council; National Stone, Sand and Gravel Association; North Dakota Farm Bureau; Public Lands Council; and U.S. Poultry and Egg Association.

or otherwise giving effect to the *Revised Definition of "Waters of the United States"*, 88 Fed. Reg. 3004 (Jan. 18, 2023). ECF 113. In light of the 24-State injunction issued by the Court, ECF 131, Intervenor-Plaintiffs respectfully withdraw their motion for preliminary injunction.

Dated: April 18, 2023 Respectfully submitted,

/s/ Katie J. Schmidt

Katie J. Schmidt (ND ID #06949) Andrew D. Cook (ND ID #06278) OHNSTAD TWICHELL, P.C. 444 Sheyenne Street, Suite 102 P.O. Box 458 West Fargo, ND 58078-0458

Tel: (701) 282-3249 Fax: (701) 282-0825

Email: kschmidt@ohnstadlaw.com Email: acook@ohnstadlaw.com

Timothy S. Bishop (admitted *pro hac vice*)
Brett E. Legner (admitted *pro hac vice*)
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606

Telephone: (312) 701 7829 Facsimile: (312) 706 8607

Email: tbishop@mayerbrown.com Email: blegner@mayerbrown.com

James B. Danford, Jr. (admitted *pro hac vice*) MAYER BROWN LLP 700 Louisiana Street, Suite 3400 Houston, TX 77004

Tel: 713-238-2700

Email: jdanford@mayerbrown.com

Attorneys for Intervenor-Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 18, 2023, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's ECF system.

/s/ Andrew D. Cook
Andrew D. Cook